

In the Matter of Merchant Mariner's Document No. Z-96137-D2 and all
other Seaman Documents
Issued to: LEO WORCESTER

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1061

LEO WORCESTER

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 18 February 1958, an Examiner of the United States Coast Guard at Seattle, Washington, suspended Appellant's seaman documents upon finding him guilty of misconduct. One specification alleges that while serving as galley utilityman on board the United States SS BELOIT VICTORY under authority of the document above described, on or about 28 september 1957, Appellant failed to join the vessel upon its departure from Moji, Japan.

At the hearing Appellant entered a plea of guilty and explained that after entering a bar in Moji, Japan, and ordering orange juice, he remembers nothing until he awoke in a railroad shack after the vessel sailed. The Examiner concluded that the charge and specification had been proved by plea. An order was entered suspending all documents, issued to Appellant, for a period of 6 months outright plus 2 months on 6 months' probation. This order placed in effect a previous probationary suspension of 6 months.

The decision was served on 12 March 1958. Appeal was timely filed on that same date.

FINDINGS OF FACT

On 28 September 1957, Appellant was serving as galley utilityman on board the United States SS BELOIT VICTORY and acting under authority of his Merchant Mariner's Document No. Z-96137-D2 while the ship was in the port Moji, Japan. Appellant failed to join his ship upon her departure from Moji at 2130 on that date although he knew of the time of departure.

Appellant has been going to sea since 1937. His prior record consists of: 2 months' suspension on 9 months' probation in 1943 for failure to join; 1 month suspension in 1953 for failure to

join; 6 months' suspension on 18 months' probation in 1955 for failure to perform duties and intoxication; 6 months' outright suspension plus 6 months on 18 months' probation in September 1956 for failure to join.

OPINION

This appeal has been taken on the ground that the order is too harsh. In view of the Appellant's prior record of four previous offenses that order is quite lenient. The Examiner ordered no outright suspension beyond the previously ordered suspension under probation. The addition of 2 months' suspension on 6 months' probation is certainly justified when the Appellant's propensity for failure to join his vessel is considered.

ORDER

The order of the Examiner dated at Seattle, Washington, on 18 February 1958, is AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 29th day of july, 1958.